

# Aylesford School

and Sixth Form College



wonder aspiration respect discipline

## STAFF ABSENCE POLICY

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Lead: HR Officer  
Via: Standards, Personnel and Curriculum

**'from potential to reality'**

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## CONTENTS

- 1 Rationale
- 2 Purpose
- 3 Aim
- 4 Expectations of Senior Management/Line Managers
- 5 Expectations of Employees
- 6 Guidelines for Reporting Absence
  - Reporting procedure for absence due to sickness
  - Certification procedures
  - Reporting other Absence
- 7 Paid and unpaid leave
- 8 Arrangements for Cover
- 9 Setting of work
- 10 Timekeeping
- 11 Unauthorised absence
- 12 Expectations of employees when they are absent from work
- 13 Return to work contract
- 14 Disciplinary action related to sickness absence

Appendix A: Statement of fitness for Work or 'Fit Notes'

Appendix B: Return to work informal meeting check list and pro forma

Appendix C: Procedures for managing excessive or persistent absence

Appendix D: Procedures for managing long term sickness

## **1. RATIONALE**

This policy covers absence for any reason. Full attendance is sought and the expected norm but some staff will have some absence, due to ill health or agreed leave for example, and this is to be expected in any organisation. The majority of sickness absence is unpredictable and, though it may cause operational problems, has to be dealt with on a day-to-day basis. The Staff Absence Policy details the School's approach to this and all absence.

When there is persistent or long term sickness, appropriate action will be taken to ensure the effective provision of education at the school.

## **2. PURPOSE**

The fundamental principle of this policy is that the needs of the school are balanced with the interests and circumstances of each individual employee. The purpose of this policy is to give guidance to all employees of Aylesford School & Sixth Form College about staff absence for any reason, and to ensure that all staff take full responsibility for communicating about and managing their absence in a professional and accountable manner.

## **3. AIM**

To ensure that all employees of Aylesford School and Sixth Form College have effective guidance about what to do in the event of illness which results in absence from school or may affect an employee's ability to perform their professional duties. All staff need to know and understand the guidelines relating to ill-health which might affect their ability to attend the workplace and/or perform their professional duties. Staff will be treated fairly and with dignity and the principle aim is, where possible, to seek an effective return to work at the earliest opportunity.

## **4. EXPECTATIONS OF SENIOR MANAGEMENT / LINE MANAGERS**

All Senior Management and Line Managers have a responsibility to:-

- Work together to ensure that sickness absence is managed as a continuous and on-going process in accordance with this procedure and good management practice, balancing the needs of the school, pressure on other staff and responding compassionately to individuals.
- Ensure that all new and existing employees are made aware of the sickness absence notification and certification and their responsibilities during a sickness absence period.
- Make clear to new support staff employees that sickness absence levels are reviewed as part of the probationary assessment and thereafter on an on-going basis.
- Maintain regular and appropriate contact with employees who are absent from work due to sickness and, if appropriate, give them the opportunity to keep in touch with their team, if they wish.
- Ensure processes are in place and followed for recording sickness absence details and certification.
- Take appropriate remedial action if certification requirements are not followed.
- Understand and conduct return to work meetings if required.
- Make referrals to the Occupational Health Service when required.
- Take reasonable measures to facilitate an individual's return to work.

## **5. EXPECTATIONS OF EMPLOYEES**

Employees have a responsibility to:-

- Attend work unless unfit to do so
- Comply with the sickness absence notification and certification rules and to ensure

their Headteacher / Line Manager has an on-going understanding of the situation. Failure to do so may result in loss of pay and potential disciplinary action.

- Attend return to work contacts and sickness absence review meetings as appropriate.
- Co-operate with attempts to assess fitness for work, including attending referral meetings with the Occupational Health Service.
- Receive and follow medical advice and treatment where appropriate in order to facilitate a return to work.
- Not engage in any activity which may delay recovery.

## **6. GUIDELINES FOR REPORTING ABSENCE**

### **Reporting Procedure for absence due to sickness**

- A member of staff who is ill should report their absence and give a reason for the absence by phone, leaving a voice or text message, to the Cover Manager, Anna Timson (07795 291641) by 7:30am at the latest on the day of the absence. The appropriate line manager should also be informed. Other than in exceptional circumstances the absence should be reported in person and not through a third party.
- If, at this time, it is possible to give an expected date for returning to school, please do so.
- It is also helpful where possible to receive 24 hours notice of return to work; please phone the school/Cover Manager the day prior to return to notify your intention to return to work. These indications are especially important during longer absences (three days or more) where supply teachers are being employed).
- In the event of an absence of two days or more a daily morning phone call should be made to the Cover Manager to confirm continuing absence.
- It is always the responsibility of the absentee to ensure that the designated Cover Manager knows of his/her absence, irrespective of who else may have made arrangements for them to be absent.

### **Certification Procedures**

- As stipulated in employee contracts, Aylesford School and Sixth Form College reserves the right at any stage of absence to require employees to provide a medical certificate. Failure to provide a medical certificate when requested may lead to deduction of pay.
- An absence of up to three days does not require any form of certification.
- For an absence of between four and seven days, a self-certification form should be completed on return to work.
- For absences due to illness of longer than seven calendar days, a medical certificate is required (note: absence over weekends or holiday *is* included in calculations of entitlements to benefits such as Statutory Sick Pay but only 'working days' count when Payroll assess 'sick leave entitlement'.)
- If absence continues after the seventh calendar day, the employee must provide a doctor's certificate to the school not later than the eighth calendar day of absence. Subsequent doctors' certificates must be submitted to cover the entire period of absence if it extends beyond the period covered by the initial statement. Upon receipt of medical certificates, the HR officer will record the details and will keep the doctor's certificate on their personnel file. *Please note that this is statutory requirement and failure to comply could result in a loss of earnings.*
- Please refer to Appendix A for more information on Statement of Fitness or 'Fit Note' procedures.

### **Reporting other absence**

- (i) Absence for professional reasons e.g. attendance on course, examination,

meetings, interviews etc

- Please seek permission from the Headteacher in the first instance. A purple/green or pink form must be completed with as much notice as possible. Cover will be provided in these circumstances. It is important to identify the relevant budget carefully on the form.
  
- (ii) Absence for personal reasons e.g. compassionate, parental leave, dependents leave, medical, funeral, moving house, emergencies, other appointments etc
  - It is expected that **non-urgent** appointments for doctors, dentist etc., should be arranged outside of an employee's working hours/directed time.
  - If you need to be absent for a personal reason, please see the Headteacher in advance to request time off and pick up a pink record form and following this, please advise the Cover Manager. We are grateful for your consideration of other staff's time.
  
  - Where an appointment absence is unavoidable, in the case of an emergency medical appointment with a hospital consultant for example, paid leave will normally be considered at the discretion of the Headteacher. If there is a large number of appointments over a period of time consideration may need to be given for time to be made up. Please be aware that verification of the appointment might be requested.
  
  - You may require dependents leave to sort out an emergency situation such as:-
    - Illness of a dependent
    - If a dependent is injured or assaulted
    - To arrange for longer term care
    - To sort out problems when there is a disruption to or breakdown of care arrangements
    - To deal with an unexpected incident with a child whilst they are at school
    - In cases of domestic violence to ensure your child's safety

If you need time off to deal with one of the above eventualities, please follow the normal reporting procedure for absence due to sickness. The Headteacher will normally grant one day's paid leave under these circumstances. After the first day, paid leave will be granted at the Headteacher's discretion.

- (iii) Should you become ill in school, please inform a member of SLT.

## **7. PAID AND UNPAID LEAVE**

### **Paid Leave**

- Where the regulations allow, or the Headteacher considers it is appropriate, paid leave may be agreed. Specific occasions when paid leave may be agreed are summarised here as: The following list is not exhaustive but is intended to serve as a guide.
  - Public Duties e.g. Jury Service
  - Serious illness or death of a close relative at the Headteacher's discretion
  - Maternity Leave
  - Paternity leave
  - Attendance at interview (up to three in any one year)
  - One transfer to a new post day (attendance at new post induction/familiarisation day in an educational establishment)
  - Examination Board-related meetings (the Headteacher should have, in advance approved the teacher's application to become an examiner/assessor) where attendance is reimbursed by the exam board
  - One moving house day

- Funeral (immediate family member)
- Graduation of member of staff, partner or his/her child

### **Unpaid Leave**

- The decision to grant unpaid leave is normally at the Headteacher's discretion. The following list is not exhaustive but is intended to serve as a guide.
  - Caring for a dependent (this may be a maximum of one day's paid leave at the discretion of the Headteacher and each case will be considered separately)
  - Ongoing care for or attendance to a terminally ill relative (after paid leave period as above)
  - Wedding (own or immediate family member)
  - Funeral (non- family member) paid or unpaid at Headteacher's discretion
  - Religious observance

## **8. ARRANGEMENTS FOR COVER**

- Cover for absent teachers will be provided by a mixture of cover supervision, supply teachers and in some instances by teachers. The booking of supply teachers is normally done well in advance and usually happens when prior notice of courses and INSED activities is given.
- As a daily routine all staff need to check the board for cover in the morning and if possible at break-time for late swaps to maximise effectiveness of cover. The cover board is located in the staff room.
- Two cover supervisors plus an additional school managed cover budget is arranged so as not to over burden teaching staff and the school is committed to, a 'rarely' cover approach. Teacher time committed to cover will be monitored but it is expected that teachers cover on request when other avenues have been exhausted.

## **9. SETTING OF WORK**

- Details of cover work set must be sent directly to the appropriate Head of Department / Curriculum Coordinator.
- Work set for the classes of absentees should be suitable for the situation in which it is being done. This needs to include homework if usually set at this time.
- Where the lesson is being covered by substitution it is reasonable that the substitute should be able to spend most of the lesson getting on with their own work. They should only need to ensure that the students have all the information and resources that they need, create effective working conditions and maintain good order. Essentially students should be sitting in their places working. Lessons involving practical work are not appropriate.

Staff are expected to leave:-

- a class register
  - a seating plan where appropriate
  - the learning objectives for the lesson so that these can be shared with class
  - details of work and homework if this is the set evening
  - resources, textbooks etc as necessary
  - access to paper, pens
- Details of the work to be done in a lesson should be outlined on the yellow Cover Lesson pro forma available from the Staff Work Room and this should include the name of the teacher to whom queries should be referred and where that teacher might be found before and during the lesson.
  - Lessons covered by substitute teachers should take place in the normal room for

that lesson.

- Where lessons are covered by supply teachers it is clearly necessary to take in to account the expertise and experience of the supply teacher. They can reasonably be expected to take a more active part in the lesson. Even when the lesson is outside their subject expertise they will be able to offer supervision, support and will provide assistance to the students and they should not arrive expecting to complete work of their own.
- Where the identity of the supply teacher or cover supervisor is known in advance and that colleague has some expertise in the subject, it is helpful if the work can be set and made available in advance. This will increase the ability to plan and run effective and orderly lessons.

## **10. TIME KEEPING**

- All staff are expected to keep to contracted times of work.
- Late arrivals or leaving early may be agreed in exceptional circumstances. Should a pattern of later arrivals etc., without authorization occur then disciplinary action may be taken.
- All staff are expected to communicate professionally and courteously regarding any lateness, giving a clear reason for that lateness.

## **11. UNAUTHORISED ABSENCE**

- This occurs when the employee does not attend for work at the required times and does not have prior management approval for their absence.
- Unauthorised absence includes late attendance, attending interviews without seeking approval, prolonged breaks, taking annual leave without approval and taking sick leave without following the notification procedure.
- Individual instances of unauthorised absence will be dealt with by the Headteacher in accordance with the Disciplinary Policy.

## **12. EXPECTATION OF EMPLOYEES WHEN THEY ARE ABSENT FROM WORK**

- The school expects to maintain regular sensitive contact with employees who are absent from work due to illness. This contact will be of a constructive and supportive nature and will normally seek agreement on the date and form of the next contact.
- Usually it will be the appropriate line manager's responsibility to maintain this contact although this role may be delegated to another member of staff, for example, the HR Officer / SLT member.

## **13. RETURN TO WORK CONTACT**

- Irrespective of the duration of an employee's sickness absence, when an employee returns to work their Line Manager or a designated person must ensure they contact them in order to:-
  - Welcome the individual back to work.
  - Let them know they were missed.
  - Ask how they are.
  - Discuss how the work was covered and bring them up to date.
  - Give an opportunity for any problems or issues to be brought up.
- This contact should normally take place on the day the employee returns to work; where this is impractical the contact should take place within three days. The length and formality of this contact will vary depending on the frequency and length of absence.

- If, before or during a return to work contact, it is identified that an employee has a level or frequency of absence which gives cause for concern, the Line Manager may wish to hold an informal return to work interview to:-
  - Explain concern at the current absence level
  - Explore the reasons for it
  - Agree strategies to resolve any problems which might improve attendance and identify areas of support and assistance

Please refer to Appendix B for Informal Work Interview procedures,

Appendix C gives further information on procedures to manage persistent absence.

Appendix D gives further information on procedures to manage long term sickness.

#### **14. DISCIPLINARY ACTION RELATED TO SICKNESS ABSENCE**

- It is generally appropriate to manage sickness absence in accordance with this policy. However, there are some related situations which may arise that may be more appropriate to address as misconduct. Examples are:
  - Failure to follow the notification and certification procedures.
  - Engaging in activities which are inconsistent with the stated reason for being on sick leave.
  - Engaging in any activities which aggravate the nature of the illness or which delay recovery.
  - Falsification of self or medical certification.
- Where misconduct has been identified and the Headteacher / Line Manager believes disciplinary action should be considered, the School's Disciplinary Policy will be followed as appropriate.
- Where there is a reasonable basis for believing abuse of the sickness scheme has taken place, the employee may be required to produce a medical certificate from the first day of sickness absence.

**STATEMENT OF FITNESS FOR WORK or 'FIT NOTES'**

On the Statement of Fitness for Work doctors will advise one of two options:

*“Not fit for work”*

This means that the doctor's assessment of the employee is that they have a health condition that prevents them from working for the stated period of time. This is like the old 'sick note' where the doctor advises your employee to “refrain from work”.

*“May be fit for work taking account of the following advice”*

This means the doctor's assessment of the employee is that their condition does not necessarily stop them from returning to work. For example, they could return to work but may not be able to complete all of their normal duties, or they could benefit from amended working hours.

If it is not possible for you to provide the support for your employee to return to work, you and your employee should use the Statement as if the doctor had advised 'not fit for work'. Your employee does not need to return to their doctor for a new Statement to confirm this.

**The doctor has indicated the employee 'may be fit for work'**

Where a doctor has advised that the employee may be fit for work they will include some comments on their patient's condition and, where appropriate, will tick one or more of the four tick boxes on the Statement. These are the common ways to help someone with a health condition return to work.

<p><b>Phased return to work</b> A doctor will recommend this where they believe that your employee may benefit from a gradual return to work</p>	<p>For example:</p> <ul style="list-style-type: none"> <li>• An employee following an operation could return to work on reduced hours, gradually increasing to their normal hours over an agreed period of time</li> <li>• An employee with a back or shoulder problem, whose job involves lifting, gradually increases the quantity or intensity of their work. This could help them return to work earlier whilst rebuilding their capacity for manual work.</li> </ul>
<p><b>Altered hours</b> A doctor will recommend this where they believe that your employee will benefit from a change to the hours that they work in order for them to return to work. This does not necessarily mean working fewer hours.</p>	<p>For example:</p> <ul style="list-style-type: none"> <li>• Providing the option to start (and /or leave) later could support someone who is unable to drive and struggles with rush hour public transport to continue working.</li> <li>• Allowing more flexible hours could support someone who is still receiving treatment to return to work if their duties are amended to take into account their condition.</li> </ul>
<p><b>Amended duties</b> A doctor will recommend this where they believe your employee may be able to return to work if their duties are amended to take into account their condition.</p>	<p>For example:</p> <ul style="list-style-type: none"> <li>• Removing heavy lifting from the job of someone who has a back injury could help them to return to work whilst recovering from their injury</li> <li>• Reducing or removing a more pressured part of a job role (such as dealing with complaints), could help someone off work with stress to return to work.</li> </ul>

<p><b>Workplace adaptations</b> A doctor will recommend this where they believe your employee may be able to return to work if their workplace is adapted to take into account their condition.</p>	<p>For example:</p> <ul style="list-style-type: none"> <li>• A ground floor workstation for an individual who has problems going up and down stairs (this may occur in cases of arthritis for example).</li> <li>• Arranging for a parking space near the entrance to the workplace could help someone who has reduced mobility post-surgery return to work.</li> </ul>
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Where a doctor has advised that the employee may be fit for work they will include some comments on their patient's condition and, where appropriate, will tick one or more of the four tick boxes on the Statement. These are the common ways to help someone with a health condition return to work.

The Headteacher/Line Manager should consider the doctor's comments and discuss this with the employee. If a return to work is possible the Headteacher / Line Manager will agree any temporary changes to their job or hours, what support the School will provide and for how long.

The advice given by the doctor is not binding; it is the Headteacher's/Line Manager's choice after discussing the Statement with the employee how to act on the doctor's advice.

If the doctor has advised that the employee 'may be fit for work', and the School cannot make the adaptations or adjustments to help a return to work, the Headteacher / Line Manager should explain the reasons for this to your employee and then use the Statement as if the doctor had advised 'not fit for work'. The employee does not need to go back to their doctor for a new Statement to confirm this.

### **Phased Return to Work**

Where a phased return to work is desirable, the Headteacher / Line Manager will meet with the employee to establish a pattern of return to work and anticipated timescales, subject to frequent and agreed reviews, which are mutually acceptable. Each case must be considered in the light of the individual circumstances.

Options may include:

- Short term modification of workload so that they are not "thrown in at the deep end" and have time to settle in.
- Adjustment to working hours with the agreement of the individual, if possible within the constraints of service requirement.
- Midweek return, so that two or three days back at work is followed by a weekend of rest.

All agreements to work on a reduced hours basis should be for a limited period (normally for up to one month but exceptionally up to two months as a maximum).

### **Amended duties and workplace adaptations**

On the Statement a doctor will state the period their advice is for. When agreeing a return to work plan the Headteacher/Line Manager should always be clear on the length of time any temporary amended duties or support is for. If the employee cannot then return to their normal duties after this agreed period, the Headteacher/Line Manager may need to have a discussion on the long-term effects of their health condition on their job. A referral to the Occupational Health Service will also be recommended in these circumstances.

As with phased returns to work, amended duties and workplace adaptations should be for a limited period (normally for up to one month but exceptionally up to two months as a maximum).

**Returning to work before the end of a 'not fit for work' Statement**

Sometimes an employee will be able to return to work before the end of a Statement period where a doctor has advised that they are not fit for work. This may be because the employee has recovered faster than the doctor expected, or the doctor did not know of ways in which you could support your employee to return.

If the Headteacher agrees with the employee that it is appropriate for them to return to work, the employee does not need to wait until the end of the Statement period for them to do so.

**RETURN TO WORK INFORMAL MEETING PROCEDURE**

1. The line manager will arrange to see employee within three days of the employee's first day back from sickness absence.
2. Choose an appropriate venue to speak to employee – away from their colleagues if possible.
3. Discuss the absence -
  - let the employee know they were missed and inform them of any developments which happened during their absence which concerned their job.
  - remind the employee of their absence record so far.
  - let the employee know what the required levels of attendance and performance are.
  - remind the employee that the management of sickness absence is taken seriously and that absence is monitored by the Senior Leadership Team.
  - Review the absence of Aylesford School's absence triggers which will trigger the Stage 1-3 absence management meetings.
4. Keep a record of the interview – date and time and any relevant details that emerge on the attached Return to Work Interview Form.
5. Record the date that the return to work interview was held on the Return to Work Interview Form.
6. Ensure a copy of the form is passed on to the Headteacher and HR Officer for recording on the employee's personal file.

**RETURN TO WORK INTERVIEW RECORD**

<b>Employee Details</b>	
Employee:	Department: _____
Job Title:	

<b>Details of the Interview</b>	
Line Manager:	Department: _____
Job Title:	Date of Interview: _____

<b>Absence Details</b>	
First day of absence: / /	Last day of absence: / /
Total no of days:	Reason:

<b>Absence over previous 12 months</b>			
First day of absence:	Last day of absence:	Total no of days:	Reason for absence:

**Notes of discussion:**

*(please continue on an additional sheet if necessary)*

**Please remember to:**

- State the purpose and importance of the discussion
- Identify impact of absence on students, department, colleagues etc.
- Focus on required outcomes (action plan)
- Uncover causes and concerns
- Look at absence trigger stages
- Explore resources required

**Agreed Outcome / Action Plan:**

*These notes represent an accurate record of the discussion*

**Signature of Manager**

/ /

**Signature of Employee**

/ /

*N.B. This record sheet should be sent to the Headteacher and HR Officer for recording on Personal File.*

*A copy should also be retained by the employee*

**Procedures for managing excessive or persistent absence**

**ABSENCE INDICATORS**

Aylesford School and Sixth Form College will review and manage sickness absence levels based on the indicators set out below in order to identify trends and patterns and to take appropriate action. The indicators are:-

- 5 or more episodes of sickness absence in a rolling 6-month period
- 8 or more episodes of sickness absence in a rolling 12-month period
- 15 consecutive days in a rolling 12-month period (only working days will be counted)
- An employee who hits one of these triggers, will be required to attend a Stage 1 Formal interview with the Headteacher.
- There may be certain situations that need to be investigated further, where the employee has not reached or exceeded the absence indicators. This may be appropriate where an employee tends to be absent on the same day of the week, or following a holiday.
- Episodes of sickness refer to the absence of a staff member due to sickness or absence of a staff member due to sickness of a dependent.
- Half-day sickness absences will be counted towards the indicators and reviewed along with the employee's other absences when deciding whether further action needs to be taken.

**STAGE 1**

- An employee who has hit one of the absence triggers or who has failed to show a reasonable improvement in attendance or whose attendance has deteriorated following their informal return to work interview, will be invited in writing to attend a Stage 1 Absence Management Meeting with the Headteacher.
- To ensure arrangements for this and subsequent meetings in the process are clear, the employee should be told in writing seven days in advance, the reason for the meeting, the date, time and place and that they may bring a representative, colleague or friend with them. A copy of the sickness absence management procedure document should also be provided to the employee.
- The issues identified in the informal meeting should be covered again.
- It may be appropriate to consider referral to Occupational Health if this has not already been done. A further meeting should take place when the outcome of this is known.
- It will normally be appropriate to inform the employee that a sustained improvement is required over a set period of time (normally 6 months) against the suggested targets identified. A review should take place after this period of time has elapsed.
- The key points of the meeting and any action agreed should be detailed in writing to the employee. A copy of the letter shall be retained on the employee's personal file and will be disregarded after a period of satisfactory attendance which mirrors the review period set in the Stage 1 Meeting.
- If the employee's record is significantly improved at this stage the Headteacher will write to the member of staff to recognise this and that the improvements should be maintained.

**STAGE 1 – Key Actions**

- Headteacher / Manager identifies that an absence meets the indicator (having already held an informal meeting)
- Arrange formal meeting
- Give employee a minimum of 7 days written notice

- Explore and discuss issues with employee
- If not already done, consider referral to Occupational Health
- Make employee aware of sustained improvement required
- Confirm key points and action agreed, in writing, to employee
- Arrange review meeting within 6 months
- Retain letter on file (disregard after a period of satisfactory attendance)

## **STAGE 2**

- If an employee who has not shown sufficient improvement following the Stage 1 meeting, they will be required to attend a second formal hearing before the Headteacher.
- To ensure arrangements for this and subsequent meetings in the process are clear, the employee should be told in writing seven days in advance, the reason for the meeting, the date, time and place and a reminder of the employee's rights to representation.
- The issues identified in the Stage 1 meeting should be covered again and any outcomes from Occupational Health referrals.
- The purpose of the hearing will be to:
  - Explore why the absence level continues to be of concern
  - Explain continued concern at that absence level and the impact on the school
  - Explore other options such as ill health retirement, redeployment, stepping down etc.
- Dependent on the outcome of the hearing the Headteacher may formally warn the employee that the absence level is unsatisfactory and that a failure to improve may result in termination of employment. A member of staff may appeal against this warning to a first panel of Governors and should log their intention to do this with the Head within ten days of receipt of the written issue of the warning.
- A letter confirming this will be sent to the employee with a record of the hearing. If an employee's attendance improves a letter should be sent to confirm this as in Stage 1 above.

### **STAGE 2 – Key Actions**

- Where attendance target not met from Stage 1 meeting, arrange further formal meeting
- Give employee a minimum of 7 days written notice
- Explore and discuss issues with employee
- Consider outcomes from Occupational Health Referral
- If due to underlying medical cause, refer to long-term sickness procedure
- Make employee aware of seriousness of situation
- Give employee formal warning that failure to improve could lead to dismissal
- Confirm key points, action agreed and formal warning, in writing, to employee
- Retain letter on file
- If 12 months satisfactory attendance, hold review meeting after 12 months.
- If unsatisfactory attendance, a meeting under Stage 3 will need to be held

## **STAGE 3**

- If the employee's attendance still fails to improve or the attendance indicators are exceeded again, the employee will be required to attend a Stage 3 hearing to consider the case for dismissal on grounds of incapability or unacceptable level of attendance.
- The hearing, consisting of a panel of three governors, should explore the reasons for the continuing lack of improvement in attendance, and any remedial action that has been

taken. The Headteacher should inform the employee in writing 10 days before the date of the hearing and inform the individual of their right that they may bring a representative, colleague or friend with them. After the hearing the employee should be notified in writing of the decision and that they have the right to appeal.

- Where a decision is reached to dismiss, the required notice period will be given under the contract of employment. If it is decided that it is inappropriate to terminate the contract of employment at that time, any follow up action should be confirmed.

### **STAGE 3 – Key Actions**

- Where target not met, arrange hearing of Panel of three Governors to consider dismissal
- Give employee a minimum of 10 days written notice
- Follow dismissal procedure
- Notify employee in writing of decision and right of appeal
- Where decision to dismiss, give contractual notice

### **APPEALS**

An employee aggrieved by the issuing of a dismissal letter to him / her, may appeal against it on the grounds that it was in some way procedurally unfair or the type of warning imposed was excessive. The appeal should be made in writing to the Chair of Governors within 14 days of receipt of the letter. Before the meeting takes place, the employee should be informed of that they may bring a representative, colleague or friend with them. The appeal hearing shall take place before an appeal panel of three members of the governing body appointed for that purpose. The appeals panel must consist of governors who have not taken part in the original decision.

**Procedures for managing long term sickness**

This procedure should be used either:-

- When an employee has been off sick for more than 4 weeks where there is no imminent prospect of return to work, or has been signed off for 4 weeks. Or,
- Where frequent short-term absence is attributable to an underlying long-term medical condition.

**INITIAL CONTACT**

- Where there has been a continuous sickness absence period exceeding 4 weeks the Headteacher will write to the employee to arrange a meeting, however informal contact should be established throughout an individual's absence. Early intervention by the Headteacher / Line Manager is crucial in order to provide support to the employee as they have a duty of care to all staff.
- Such meetings should normally be arranged with employees at a time and place to suit them for example it may be appropriate to visit at home. The arrangements should be confirmed in writing. If they wish, a relative, friend or a trade union representative may be present to provide support. Wherever possible the Headteacher / Line Manager should be accompanied by another member of staff.
- The purpose of the meeting is:-
  - To enquire as to the employee's health, ascertain the nature and likely progress of the illness and the likely length of sickness absence.
  - Explain / discuss what action is to be taken in relation to their sickness absence.
  - It will normally be appropriate to refer the individual to Occupational Health and the purpose and process for this and the potential outcomes should be explained.
  - Agree future contact arrangements. Contact should be maintained at no less than monthly intervals by regular telephone calls, or prearranged meetings / visits to their home. In exceptional circumstances, it may be appropriate to agree someone other than the Headteacher as an alternative contact .
  - Ascertain whether any assistance can be provided and give details of any relevant contacts (including trade unions) for advice and support for the employee.
  - Details of the discussion that took place during the meeting should be confirmed in writing to the employee.
- In exceptional circumstances, if the employee is expected to return to work within a short, specified period of time, then a meeting may not be necessary. Such situations may include employees who have undergone an operation where the condition and recovery are known and straightforward. The Headteacher / Line Manager must, however, monitor the situation in case the sickness absence becomes more prolonged or complicated than expected. A meeting should be arranged in any event after a sickness absence of 2 months.

**ON GOING CONTACT**

- Contact should be maintained with the employee on a regular basis, no less than monthly by regular telephone calls, or prearranged meetings / home visits, this does not have to be done by the Headteacher / Line Manager but some other agreed, named person.

## **REFERRAL TO OCCUPATIONAL HEALTH**

- Following discussion of the process and reasons with the employee, arrangements should be made by the Headteacher to refer the employee to the Occupational Health Service to ascertain the employee's medical condition, including fitness to work, timescale for return and any limits on the individual's ability to perform their job. This may include liaison with the employee's GP/ Consultant, with their consent. Employees should be encouraged to attend an Occupational Health appointment.
- On receipt of the Occupational Health report, the Headteacher should arrange a meeting with the employee. The employee may request that a relative, friend or trade union representative be present for support at the meeting. The employee should be given a copy of the Occupational Health report at the meeting. However, if the meeting does not take place within 4 weeks of receiving the report, the Headteacher should send a copy of the report to the employee. The outcomes will normally fall under one of the following categories:

### Fit for Work

If the Occupational Health report indicates that the employee is now fit for work, the Headteacher should confirm with employee the return to work arrangements including a phased return to work where this is recommended.

### Unfit for work but recovery likely in the foreseeable future

Where the medical report indicates that the employee is likely to resume their work within a reasonable period, the Headteacher should maintain regular contact with the employee and monitor the situation, referring back to Occupational Health if appropriate. If this does not happen as expected, the situation may effectively move either into the category of unfit to continue in present duties or incapable of work in the foreseeable future. This would need to be confirmed with Occupational Health.

### Diagnosis / Prognosis not yet known/further review by Occupational Health recommended

It is sometimes several months before a diagnosis and then prognosis is known as Occupational Health may ask for further reports and then arrange to see the individual again. The Headteacher should maintain regular contact with the employee and monitor the situation, referring back to Occupational Health as appropriate. If the situation does not become clear within a reasonable period of time the situation may effectively move into the category of incapable of work in the foreseeable future. This would need to be confirmed with Occupational Health.

### Unfit to continue in present duties in the foreseeable future

Where the medical advice is that an employee cannot continue to carry out their current duties due to their physical or mental health, the Headteacher should endeavour to facilitate the continuation of their employment through alternative deployment. If a reasonable alternative cannot be found, the situation would need to be managed as for an employee who is incapable of work in the foreseeable future.

### Incapable of work in the foreseeable future

Where the Occupational health report indicates that the employee is incapable of work in the foreseeable future, the continuation of employment should be considered.

## **RETURN TO WORK**

Following long term sickness when an employee returns to work the return to work contact should take place as detailed in the Policy. Particular care should be taken to identify and address any changes that have taken place during this time.

## **LONG TERM ABSENCE – Key Actions**

- Establish and maintain informal contact throughout the absence
- Hold face-to-face meeting, as appropriate, normally between 4-8 weeks
- Obtain Occupational Health advice
- Consider advice received and review options as appropriate

## **FACILITATING REHABILITATION AND CONTINUATION OF EMPLOYMENT**

Where the medical advice is that an employee cannot continue to carry out the duties of their current post due to their physical or mental health, the Headteacher should endeavour to seek alternative means of aiding a return to work in a capacity suited to the individual's health needs. This should be discussed with the individual concerned. The following alternatives may be considered:

### **Phased Return to Work**

Where the Occupational Health Service report indicates that a phased return to work is desirable, the employee and their Headteacher / Line Manager should meet to establish a pattern of return to work and anticipated timescales, subject to frequent and agreed reviews, which are mutually acceptable. Options may include:-

- Short term modification of workload so that they are not “thrown in at the deep end” and have time to settle in
- Adjustment to working hours with the agreement of the individual, if possible within the constraints of service requirement
- Mid-week return, so that two or three days back at work is followed by a weekend of rest
- Temporary reduction in hours for a longer period, where an employee's pay will be altered to their new working hours
- Relinquishing management responsibilities
- Return before a holiday to allow for a rest period

All agreements reached to allow for an early return to work on a reduced hours basis should be for a limited period and subject to regular reviews.

### **Long Term Adjustment to Duties or Environment**

Where an individual has a long-term disability, the possibility of modifying the role or the working environment should be considered so that the individual could continue to undertake their current job. The school is required to make reasonable adjustments to the workplace and to employment arrangements so that a disabled person is not at a substantial disadvantage compared to a non-disabled person.

### **Adjustment to normal Sickness Indicators and Targets**

For some members of staff with a long-term disability, it may be unrealistic to expect them to meet the normal attendance targets. In such cases it may be reasonable to adjust the sickness indicators and targets.

### **Retraining/ Rehabilitation**

Depending upon the nature of illness, retraining or rehabilitation should be investigated in conjunction with the Occupational Health Service. In some cases where the employee becomes disabled a reasonable adjustment to the working environment or the provision of aids / equipment will be necessary.

## **Redeployment/ Alternative Employment**

Depending upon the nature and permanency of the illness, consideration should be given to the employee's suitability to undertake alternative employment, if this is available, dependent upon the Occupational Health report.

The aim should be to facilitate the employee's return to work in a timely manner. After a reasonable period, allowing a minimum of two months, if no suitable employment can be identified, it may be appropriate to consider the continuation of employment.

## **ENDING THE CONTRACT OF EMPLOYMENT**

- Once the alternatives of rehabilitation and continuation of employment have been exhausted, and where it is established through medical opinion that there is no possibility of the employee returning to work and maintaining an appropriate attendance record within a reasonable period of time, the continuation of the employee's contract of employment should be considered.
- The Headteacher / Line Manager should discuss this with the employee to consider the appropriateness of continuing their contract of employment. The Headteacher / Line Manager should arrange a meeting with the employee, where they should be informed of their right to bring a representative. At the meeting the Headteacher / Line Manager should inform the employee that no suitable alternative is available and that the medical opinion shows no reasonable return to work date. They should discuss with the employee the evidence and ask them if they believe there are any suitable alternatives, or anything they believe the Headteacher / Manager should be aware of. At the end of the meeting the Headteacher / Line Manager should make a final decision and if they still believe that the suitable course of action is to end the employee's contract they should inform the employee that they are going to refer the matter to the Governing Body to make a decision, and the procedure for the formal dismissal hearing should be outlined.
- A formal meeting will then be convened, consisting of a panel of three governors. The employee should be given written notice of the meeting, be reminded of its purpose, and their right to be represented.
- The meeting should review appropriate information, for example:-
  - Occupational Health reports.
  - Exploration of alternatives to facilitate continuing employment.
  - Any other relevant information the employee wishes to be considered.
- The chair of the meeting will inform the employee and the Headteacher / Line Manager of the decision they have come to and confirm this in writing with whatever additional information is appropriate in the light of the outcome.
- If it is decided to end the employment contract, the employee should be given written notice in accordance with their terms and conditions of employment and confirmation of the effective date of termination. Notice is at full pay, even if the sick pay entitlement is exhausted. The school reserves the right to deduct any benefits the employee may be in receipt of during the notice period. Support staff who work 52 weeks will continue to accrue leave during their notice period.
- If it is decided that it is inappropriate to terminate the contract of employment at that time, any follow up action should be confirmed.
- An employee has the right of appeal to an appeals panel of three members of the governing body, by written notice, within 14 days of receipt of the letter. The appeals panel must consist of governors who have not taken part in the original decision. The hearing will be held no later than 6 weeks after notice of appeal is lodged, unless both

parties agree otherwise.